



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,325	02/27/2004	Douglas M. Okuniewicz	A9658-81022	9385
32009	7590	03/02/2007	EXAMINER	
BRADLEY ARANT ROSE & WHITE LLP			TORIMIRO, ADETOKUNBO OLUSEGUN	
200 CLINTON AVE. WEST			ART UNIT	PAPER NUMBER
SUITE 900			3714	
HUNTSVILLE, AL 35801				
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/02/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/789,325	OKUNIEWICZ, DOUGLAS M.	
	Examiner	Art Unit	
	William T. Freeman	3709	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-49 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02/27/2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date. _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1-4, 13, 15, 17, 25, 34-40, and 42 are objected to because of the following informalities:

Claim 1, Line 11: "detect event occurrence" should be changed to -- detect said event occurrence --.

Claim 2, Line 26: "detect selected event" should be changed to -- detect said selected event --.

Claim 2, Line 26: "on an electronic" should be changed to -- on said electronic --.

Claim 2, Line 27: "output event occurrence signals" should be changed to -- output said event occurrence notification signals --.

Claim 2, Line 28: "an event" should be changed to -- said lottery event --.

Claim 3, Line 7: "detect selected event" should be changed to -- detect said selected event --.

Claim 3, Line 7: "on an electronic" should be changed to -- on said electronic --.

Claim 3, Line 8: "output event occurrence signals" should be changed to -- output said event occurrence notification signals --.

Claim 3, Line 9: "an event" should be changed to -- said lottery event --.

Claim 4, Line 14: "monitoring selected event" should be changed to -- monitoring said selected event --.

Claim 4, Line 4 (Page 19): "a lottery entry" should be changed to -- said lottery entry --.

Claim 13, Line 21: "a lottery entry" should be changed to -- said lottery entry --.

Claim 15, Line 15: "receive event occurrence" should be changed to -- receive said event occurrence --.

Claim 17, Line 1: "wherein lottery event" should be changed to -- wherein said lottery event --.

Claim 25, Line 15: "receive event occurrence" should be changed to -- receive said event occurrence --.

Claim 34, Line 27: "a lottery event" should be changed to -- said lottery event --.

Claim 35, Line 3: "a lottery event" should be changed to -- said lottery event --.

Claim 36, Line 6: "a lottery event" should be changed to -- said lottery event --.

Claim 37, Line 10: "a lottery event" should be changed to -- said lottery event --.

Claim 38, Line 15: "a lottery event" should be changed to -- said lottery event --.

Claim 39, Line 20: "a lottery event" should be changed to -- said lottery event --.

Claim 40, Line 25: "a lottery event" should be changed to -- said lottery event --.

Claim 42, Line 11: "wherein lottery event" should be changed to -- wherein said lottery event --.

Appropriate correction is required.

2. Claim 16 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the

claim(s) in independent form. Claim 16's limitations are the exact same as the limitations set forth in the last paragraph of Claim 15.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-3, and 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, Line 24: the limitation "the central computer system" lacks antecedent basis. It is suggested that the limitation be changed to -- a central computer system --.

Claim 2, Line 25: the limitation "said central lottery system" lacks antecedent basis. It is suggested that the limitation be changed to -- a central lottery system --.

Claim 3, Line 5: the limitation "the central computer system" lacks antecedent basis. It is suggested that the limitation be changed to -- a central computer system --.

Claim 3, Line 6: the limitation "said central lottery system" lacks antecedent basis. It is suggested that the limitation be changed to -- a central lottery system --.

Claim 12, Line 8: the limitation "said central lottery system" lacks antecedent basis. It is suggested that the limitation be changed to -- a central lottery system --.

Claim 13 is rejected because it depends from the rejected claim 12.

Appropriate correction is required.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-17, 24-26, 41-42, and 49 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,585,589 (hereinafter '589). Although the conflicting claims are not identical, they are not

patentably distinct from each other because claims 1-9 of patent '589 disclose the inventive subject matter of claims 1-2, 4-10, 12, 15, 16, 17, 25, and 41-42 in slightly different expression. Further, the subject matter disclosed in claims 3, 11, 13, 14, 24, 26 and 49 of the present application would have been well known to a person of ordinary skill in the art at the time the invention was made.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meekins et al. (US 6,685,563).

25, 41-42

Re Claims 1, 4, and 10: Meekins discloses a gaming device interface comprising interface means for detecting and receiving, analyzing and translating an event signals (col. 5, lines 53-67; col. 6, lines 1-12; and col. 9, lines 4-12); lottery entry means (col. 11, lines 1-7; col. 13, lines 28-31, 34-35 and 13-16), a central lottery system (col. 13, lines 13-17) and a central computer system (col. 8, lines 29-31). Meekins does not explicitly disclose detection means and does not disclose outputting lottery entry dispensing commands upon an occurrence of an event. However, since Meekins discloses constantly monitoring the occurrence of an event for activating the lottery game (col. 13, lines 21-

27), Meekins obviously discloses the detection means for constantly monitoring the occurrence of an event. Further, since Meekins discloses providing a lottery ticket when the computer detects a game event (col. 13, lines 28-31 and 34-35), and since generating a command from a controller to an output device for the output device to perform a function according to the controller's command would have been known in the art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to generate a lottery ticket dispensing command from a controller to the ticker dispensing means of Meekins in order to allow the controller to control peripheral devices such as ticker printer.

Re Claims 2 and 3: Meekins discloses using a software programming, firmware and hardware for detecting occurrences of an event (col. 6, lines 47-63).

Re Claims 5 and 6: Including a circuit board and software programming for detecting, analyzing and translating event signal would have been well known to a person of ordinary skill in the art at the time the invention was made.

Re Claims 7-9, and 11-13: Meekins discloses outputting lottery tickets (col. 13, line 35). Further, generating a lottery ticket based on manual user's input from a keypad, a touch screen, etc. , or based on automatic input data selected randomly; generating a pool of entries for dispensing lottery periodically would have been well known.

Re Claim 14: Meekins discloses tracking coin-in (col. 6, lines 1-11).

Re Claims 15-17: Refer to discussion in claim 1 above.

Re Claims 18-23: Meekins detaching or integrating the lottery system to the gaming device (col. 11, lines 8-16).

Re Claim 24: Meekins discloses transmitting data between game devices via LAN (col. 8, lines 21-31).

Re Claim 25: Refer to discussion in claim 1 above.

Re Claim 26: Meekins discloses outputting lottery outcome (col. 11, lines 44-51 and 64-67).

Re Claim 27- 40: Meekins discloses that the lottery event is generated or initiated for generation by the gaming device or lottery system (col. 11, lines 8-51).

Re Claim 41-42: Refer to discussion in claim 1 above.

Re Claim 43-48: Refer to discussion in claims 18-23 above.

Re Claim 49: Refer to discussion in claim 24 above.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DeFrees-Parrott et al. disclose a gaming machine having a lottery game and capability for integration with gaming device accounting system and player tracking system, Yacenda discloses a system and method for operating on-line state lottery games, and LeMay et al. disclose a gaming machine including a lottery ticket dispenser.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William T. Freeman whose telephone number is 571-270-1343. The examiner can normally be reached on Mon thr Thu 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WF



KIM NGUYEN
PRIMARY EXAMINER